

Refugee Review Tribunal

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RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please give a brief outline of the reasons why Roh left the Millennium Democratic Party and created a new party.
2. Is there hostility between supporters of Kim Dae Jung and Roh's party?
3. What accusations of corruption have been made against Roh?
4. Please provide details of any demonstrations against Roh in May, August and October 2005. In particular, was there a demonstration outside the HQ of the "Yeol Lin Woori Party," or a demonstration about free trade in front of the Ministry of Foreign Affairs and Trade in October 2005?
5. What role is Kim Dae Jung now playing in Korea's public life?

RESPONSE

1. Please give a brief outline of the reasons why Roh left the Millennium Democratic Party and created a new party.

The sources consulted suggest that The *Millennium Democratic Party* (MDP; now called the *Democratic Party*) was the political party of former president Kim Dae Jung. The current president, Roh Moo Hyun, was the MDP's candidate for the presidential elections of 2002; he won and was sworn in as president in February 2003. But some members of the MDP did not give their full support to Roh, and in October 2003 Roh and his supporters left the party and formed a new party called the *Yeollin Uri Party* ("Our Open Party"), which is generally known as the *Uri Party*. The Uri Party became the ruling party of South Korea in the 2004 parliamentary elections, but lost its overall majority in a series of by-election defeats during 2005.

A recent political analysis by the *Economist Intelligence Unit* states:

The president, Roh Moo-hyun, was elected in December 2002 as candidate of the centrist Millennium Democratic Party (MDP). In September 2003 his supporters split off to create the centre-left Uri Party. In March 2004 the opposition-controlled National Assembly voted to impeach Roh Moo-hyun, but in May the Constitutional Court reinstated him. An anti-impeachment backlash in the April 2004 parliamentary election boosted the Uri Party: it won control of parliament by a narrow margin, trouncing the MDP and the conservative main opposition Grand National Party (GNP). The hard-left Democratic Labour Party (DLP) won ten seats for the first time. Subsequent convictions for electoral malpractice have since reduced the Uri Party's parliamentary presence, and a series of by-election defeats in April and October 2005 deprived it of its majority. Both Uri and the GNP have moderate and hardline factions in conflict, so that splits and realignments are possible ('South Korea: Political structure' 2006, *Economist Intelligence Unit*, 9 May – Attachment 1).

A May 2006 analysis by the Department of Foreign Affairs and Trade states:

...the April 2004 elections saw the [Grand National Party] lose its majority in the National Assembly to the Uri Party (Our Open Party, aligned with Roh). In the cleanest and most transparent elections on record, the Uri Party gained the majority with 152 seats, while the conservative GNP held on to 121 seats...Since the 2004 elections, a series of by-elections has seen the Uri Party lose its parliamentary majority, and since April 2005 it has relied on the support of minor parties to pass legislation (Department of Foreign Affairs and Trade 2006, 'Republic of Korea Country Brief – May 2006', May, http://www.dfat.gov.au/geo/rok/brief_index.html – Accessed 5 June 2006 – Attachment 2).

The entry on the Uri Party from the online encyclopedia Wikipedia states:

The *Yeollin Uri Party* (en: "Our Open Party"), generally abbreviated to *Uri Party*, ("Our Party"), is the ruling political party in South Korea. The party was formed when loyalists to president Roh Moo-hyun in the Millennium Democratic Party chose to break ranks from other party members who showed lukewarm support for the administration. Some 42 out of 103 lawmakers of the Millennium Democratic Party joined the new party, and 5 lawmakers from the Grand National Party also joined ('Uri Party' 2006, wikipedia.org, 1 June, http://en.wikipedia.org/wiki/Uri_Party – Accessed 5 June 2006 – Attachment 3).

[**Wikipedia** is a Web-based free-content encyclopaedia which is written collaboratively by volunteers. Country Research recommends that users of Wikipedia familiarise themselves with the regulatory practices which Wikipedia employs as a preventative measure against vandalism, bias and inaccuracy (for more information, see the recommended background reading available in the 'Wikipedia Topical Information Package').]

2. Is there hostility between supporters of Kim Dae Jung and Roh's party?

None of the recent reports found on Korean politics mentioned any particular hostility between the Uri Party, which is affiliated with Roh Moo-hyun, and the Democratic Party [formerly the Millennium Democratic Party] which was affiliated with Kim Dae Jung when he was president. Reports do indicate that Korean politics is highly factionalised, party splits are common, and there is often a level of hostility between different factions of the same party, although this hostility does not seem to express itself in violence. There has been recent speculation that the Uri Party may split again due to its poor performance in recent elections; and even that one Uri Party faction may form a new coalition with the Democratic Party and other minor parties. The Democratic Party itself has declined in power since the Uri Party split off from it in 2003, and only has 11 seats in parliament; the main opposition party is the Grand National Party with 124 seats.

A March 2006 analysis makes some interesting observations about Korean politics. It states that:

Political parties in South Korea are fragile and transitory, having an average life expectancy of only three years. They are generally regionally based coalitions of often competing interests formed around charismatic leaders. As such, they have lacked a distinctive party platform and lawmakers have switched party allegiances to improve their re-election potential (Klingner, Bruce 2006, 'South Korea's fractious path ahead', *Asia Times*, 1 March, <http://www.atimes.com/atimes/Korea/HC01Dg02.html> – Accessed 5 June 2006 – Attachment 4).

Both the ruling Uri Party and the opposition Grand National Party (GNP) have “warring progressives and conservatives” within them, the report comments, and both are weakened by factionalism. The Uri Party is “beset by infighting”:

The Uri Party will continue to suffer from Roh's low approval ratings as well as continued infighting between its two diametrically opposed factions. The party, born in 2003 as a result of a schism with its parent Millennium Democratic Party (MDP), has always been a tenuous confederation of “progressives” (or reform ideologues) who advocate extensive societal reform and “pragmatists” (or fundamentalists) who promote mainstream liberal policies.

The party's resounding defeat in the past two by-elections – it failed to win a single seat – has exacerbated party factionalism and prompted a struggle over the direction of the party. Overlaid on this long-running debate have been post-election battles between pro and anti-Roh factions (Klingner, Bruce 2006, 'South Korea's fractious path ahead', *Asia Times*, 1 March, <http://www.atimes.com/atimes/Korea/HC01Dg02.html> – Accessed 5 June 2006 – Attachment 4).

The same report quotes the opinion of an official that the present situation in the Uri Party is “similar to the volatility that existed within the MDP prior to the 2003 rupture, which led lawmakers to secede and form the Uri Party”. There is even speculation that after the local elections in May 2006, a faction of the Uri Party might split off and form a coalition with the Democratic Party, although “DP chairman Hahn Hwa-kap rejected any potential coalition with the Uri Party as long as Roh remains affiliated with it” (Klingner, Bruce 2006, 'South Korea's fractious path ahead', *Asia Times*, 1 March, <http://www.atimes.com/atimes/Korea/HC01Dg02.html> – Accessed 5 June 2006 – Attachment 4).

The Democratic Party currently has 11 seats in the parliament, according to a DFAT report (Department of Foreign Affairs and Trade 2006, 'Republic of Korea Country Brief – May 2006', May, http://www.dfat.gov.au/geo/rok/brief_index.html – Accessed 5 June 2006 – Attachment 2).

A June 2006 report indicates that the Uri Party's fortunes have now declined still further. In nationwide local elections on 31 May, the party won only one of 16 positions for provincial governors and city mayors, and only 19 out of 230 city council contests. The chairman of the party has resigned (Goodenough, Patrick 2006, 'Conservatives Enjoy Landslide in Korea', CNSNews.com, 1 June, <http://www.cnsnews.com/ViewForeignBureaus.asp?Page=/ForeignBureaus/archive/200606/INT20060601b.html> – Accessed 5 June 2006 – Attachment 5).

3. What accusations of corruption have been made against Roh?

News reports from the past three years indicate that there have been a number of corruption allegations made against President Roh's government and his aides, and some arrests and court cases. These scandals and the government's poor record of economic management have recently turned the voters against Roh and the Uri Party, but the sources do not suggest that Roh himself has been proved to be corrupt. He was impeached in 2004, but the Constitutional Court then overturned the decision.

A selection of news reports in reverse chronological is attached, which provide examples of corruption allegations and prosecutions.

- A former presidential aide alleged that a businessman who was standing trial "on 20 charges linked to a former influence-peddling scandal involving high profile figures" had in 2003 visited the Blue House [the presidential residence and office] (Hye-soo, Chang & Myo-ja Ser 2006, 'Aide: Yoon visited Blue House', Joins.com, 25 January – Attachment 6).
- A December 2005 report states that there had been a series of corruption scandals over the year which had stripped the president of "some of his key political and foreign policy aides". Two former chiefs of the National Intelligence Service had been arrested over wire-tapping during the 1990s; an oil deal had been aborted due to corruption; and two presidential aides had been charged over using their influence in a development project (Ji-young, Kwon 2005, 'Scandals shake nation', *The Korea Herald*, 27 December – Attachment 7).
- President Roh had clashed with prosecutors from the security services over alleged torture and mistreatment of detainees, in attempts to reform the service. Korea's prosecutor-general had resigned in protest (Jin-bae, Jeon & Su-jin, Chun 2005, 'Prosecutors trigger Roh's anger and the feeling seems mutual', Joins.com, 17 October – Attachment 8).
- Roh's attempt to move the country's capital to another location was ruled as unconstitutional by the courts. His anti-corruption initiatives were tainted by corruption allegations against his aides (Joo-hee, Lee 2005, 'Roh enters 2nd half with less popularity, more ambition', *The Korea Herald*, 25 August – Attachment 9).
- A June 2005 report provides more details on the involvement of state funds in a private development project ('Inspection acquits presidential aides of corruption' 2005, *Yonhap English News*, 16 June – Attachment 10).
- Another June report suggests that Roh himself might be called as a witness in the development case, "to find out whether he had anything to do with a corruption scandal involving some of his closest aides and confidants"(Duk-kun, Byun 2005, 'GNP calls for probe of President Roh on corruption allegations', *Yonhap English News*, 8 June – Attachment 11).

A brief 2003 item from the *New York Times* states:

Prosecutors indicted eight aides of President Roh Moo Hyun in connection with illegal political fund-raising but said they would not investigate Mr. Roh. Mr. Roh has not been

accused of wrongdoing but he has destabilized his own government since the case broke in October by suggesting several times that he could step down over his aides' misdeeds. Prosecutors said the aides took in \$5 million in illegal campaign funds. ('South Korea: Presidential aides charged' 2003, *The New York Times*, 30 December, <http://query.nytimes.com/gst/fullpage.html?res=950CE5DB103EF933A05751C1A9659C8B63&n=Top%2fReference%2fTimes%20Topics%2fPeople%2fR%2fRoh%20Moo%20Hyun> – Accessed 6 June 2006 – Attachment 12).

A May 2006 analysis by the Department of Foreign Affairs and Trade comments that “the North Korea nuclear program, an economic downturn, frequent labour unrest and serious corruption scandals have tested [Roh's] reform agenda and political skills” (Department of Foreign Affairs and Trade 2006, 'Republic of Korea Country Brief – May 2006', May, http://www.dfat.gov.au/geo/rok/brief_index.html – Accessed 5 June 2006 – Attachment 2).

The charges that led to Roh's impeachment in early 2004 were that he “expressed a personal hope that South Koreans would vote for the reform-minded Uri Party” in the upcoming parliamentary elections (Factiva 2006, 'Public figures & Associates – Country Profile: South Korea', *Dow Jones & Reuters*, 6 March – Attachment 13).

This remark put Roh technically in violation of the Elections Law that “stipulates strict presidential neutrality”, and the opposition GNP, which was then in the majority, impeached him. He was reinstated in May 2004 when the Constitutional Court overturned the impeachment move (Joo-hee, Lee 2005, 'Roh enters 2nd half with less popularity, more ambition', *The Korea Herald*, 25 – Attachment 9).

4. Please provide details of any demonstrations against Roh in May, August and October 2005. In particular, was there a demonstration outside the HQ of the “Yeol Lin Woori Party,” or a demonstration about free trade in front of the Ministry of Foreign Affairs and Trade in October 2005?

No particular details were found of demonstrations against President Roh in May or August 2005, but sources indicate that violent street protests are very frequent in South Korea, and that on many occasions slogans are chanted against the president. Protests have been particularly common in recent years, with an average of 11,000 demonstrations a year. There are news stories of a demonstration outside Uri Party headquarters in October 2005, and other reports indicate that this is a favourite venue for protestors, since the Uri Party is the ruling party of South Korea. There were widespread rallies in November 2005 by farmers protesting plans for free trade agreements.

A March 2006 report from the *International Herald Tribune* provides useful background on the frequency of public demonstrations in South Korea:

Decades after military rule ended, a noisy protest is still seen as the best way to make one's voice heard in South Korea. In downtown Seoul, hardly a week-end passes without demonstrators of all stripes rallying, creating gridlock and testing the patience of drivers.

The protests can have tragic consequences; two farmers were killed and more than 330 policemen and protesters hurt in a bloody clash in November.

Government policy makers pursuing foreign investment and trade liberalization see the culture of protest as a problem that brings bad headlines – as was the case when anti-

globalization activists from South Korea led violent protests in Hong Kong during the World Trade Organization talks in December.

Even the protesters find themselves the target of protests. In January hundreds of mothers with sons serving in the riot police marched through Seoul, protesting the tendency of other protesters to attack their sons...

...Statistics show that an average riot policeman is mobilized to contain 85 demonstrations a year. One in every 53 riot policemen was hurt last year while fighting protesters. Witnesses say that many protesters get injured as do police officers.

Peaceful demonstrations are constitutionally protected. South Koreans today complain about large protests that disrupt traffic, but they abhor even more a brutal crackdown on demonstrators, even if they break laws by breaking police lines and wielding steel pipes and throwing fire bombs...

...President Roh Moo Hyun apologized for the police crackdown that killed the two farmers in November, although he blamed farmers for starting the violence...

...Today, workers and farmers wield steel pipes and burn police cars demanding job security and condemning globalization. Liberals burn U.S. flags and call for reconciliation with North Korea. Conservatives burn North Korea flags and chant, "Down with Roh Moo Hyun".

Civic groups, unions and other activists help friends organize protests along their ideological lines. A typical demonstration features a neat array of colourful banners and streamers and a dance troupe romping on a temporary platform to songs blaring from batteries of loud speakers. It lasts hours and peddlers weave through protesters hawking ice cream in summer and plastic cushions in winter.

The number of public demonstrations rose from 6,857 in 1995 to an average 11,000 a year in the past five years. The number of police officers hurt by demonstrators increased from 331 in 2000 to 893 last year (Sang-Hun, Choe 2006, 'In South Korea, protesting is an occupation', *International Herald Tribune*, 2 March – Attachment 14).

The following stories mention protests outside Uri Party headquarters, including one in October 2005.

- An October 2005 report states that 2000 cement truck drivers had walked off the job and thousands more were planning to strike to "demand government subsidies and better job security". A rally was planned to take place in front of Uri Party headquarters ('Cement truck drivers strike; transport havoc expected' 2005, *Yonhap English News*, 21 October – Attachment 15).
- An October 2005 report states that there had been a street protest by "two-dozen anti-North Korean activists" in front of Uri Party headquarters ('Activists protest South Korea's move to repatriate former North spies' 2005, *BBC Monitoring Alert: Yonhap*, 5 October – (Attachment 16).
- A 2004 protest against sending troops to Iraq took place in front of Uri Party headquarters in the southwestern city of Kwangju ('South Korea still is sending troops to Iraq' 2004, NewsMax.com Wires, 21 June, <http://www.newsmax.com/archives/articles/2004/6/21/93808.shtml> – Accessed 8 June 2006 – Attachment 17).

- Another 2004 protest took place outside Uri Party headquarters by North Korean defectors “demanding an end to aid for the North’s communist government” (‘Uri Party leader quits key posts’ 2004, *Taipei Times*, 14 April, <http://www.taipeitimes.com/News/front/archives/2004/04/14/2003136562> – Accessed 8 June 2006 – Attachment 18).

The following reports discuss the strong feelings that are aroused by free trade deals that might remove protection for rice farmers.

- A December 2005 report discusses a protest by rice farmers outside the Uri Party district office in Korea’s rice-growing region (Greenlees, D. 2005, ‘South Korea farmers wary over rice deal’, *International Herald Tribune*, 13 December – Attachment 19).
- A November 2005 describes the widespread protests by thousands of farmers over a government decision to open rice markets to imports. 80,000 riot police were deployed across the country. The report mentions that “South Korean farmers have staged demonstrations almost daily in recent weeks in front of the National Assembly building in Seoul and at other locations across the country” and two had committed suicide (‘Korean National Assembly ratifies rice import quota’ 2005, *Asia Pulse*, 24 November – Attachment 20).
- A July 2005 report by Grimmer discusses the passionate feelings of South Koreans on the subject of free trade. Two years before, the head of the Korean Federation of Farmers and Fishermen had committed suicide at World Trade Organisation talks in Mexico (Grimmer, Tom 2005, ‘A trade deal with South Koreans? Careful what you wish for’, *The Globe and Mail*, 20 July – Attachment 21).

5. What role is Kim Dae Jung now playing in Korea’s public life?

The sources consulted indicate that since his term as president ended in 2003, Kim Dae Jung has not played a prominent part in Korea’s public life. There are few recent reports that mention any significant actions or speeches by Kim Dae Jung. However, in recent months there have been reports that he will make a goodwill visit to North Korea in June 2006, which will include talks with the leader Kim Jong-il.

A February 2006 report indicates that Kim Dae Jung, who is now 82, had been invited to visit Pyongyang by the leader of north Korea, Kim Jong-il. The visit had the support of government officials in both the north and the south. During his presidency, Kim Dae Jung had introduced the “Sunshine Policy” which opened communications with North Korea for the first time in 2000, and the visit was regarded as a continuation of the policy, and an opportunity to discuss a number of issues including opening rail links (Kim, Hwa-young (Theresa) 2006, ‘Kim Dae-jung wishes to return to Pyongyang’, *Asianews.it*, 2 February <http://www.asianews.it/view.php?l=en&art=5278> – Accessed 9 June 2006 – Attachment 22).

A June 2006 report states that the meeting “is expected to help speed up inter-Korean rapprochement, which got underway following the landmark 200 meeting, and help bring the communist state back to international negotiations over its nuclear program” (‘Former S.

Korean President Kim Dae-jung to visit N. Korea' 2006, *Asia Pulse*, 1 June – Attachment 23).

But a May report finds the sudden emphasis on relations between north and south “suspicious”, saying that the government is “playing the North Korea card” in order to win votes in upcoming elections (‘Playing the North Korea Card by Kim Dae-joong’ 2006, *Chosun Ilbo*, 24 May – Attachment 24).

A Korean editorial from February 2006 is critical of the planned visit, stating that it does not have widespread public support, and that Kim Dae-Jung is a “private citizen” with no official standing, who has no authority or public mandate to discuss important matters with North Korea’s leaders:

Inter-Korean relations neither desperately needs Kim Dae-jung nor does he have a magic wand to improve them. Even the presidential office says Kim is visiting the North in his private capacity and that it is his supporters who are pushing ahead with the plan, denying that he goes there as some kind of special envoy...

...In terms of domestic politics, too, the visit is problematic. The mid-April timing may have something to do with local elections on May 31, and that would make it a disgraceful scheme to harness the North to South Korean political ends. But there is no guarantee the visit would be beneficial. The president would look dishonourable if he gave the impression that he is relying on his predecessor’s halo to bring about a second inter-Korean summit. And if the visit bears fruit of some kind, the president, who should be the star, would have the dishonour of playing second fiddle. The way the Roh administration supports the visit, besides, makes it look as if that was the price Kim extracted for confirming that it indeed succeeds to his Sunshine Policy and is therefore entitled to the “traditional support base” Kim still commands.

In these circumstances, Kim Dae-jung’s visit threatens to widen the rupture in South Korea over how to approach the North, sow further confusion in the inter-Korean relationship and personalize it as a matter reserved for the two Kims (‘Advice for Kim Dae-jung from Kim Dae-joong’ 2006, *Chosun Ilbo*, 14 February – Attachment 25).

A 2002 *BBC* profile of Kim Dae-jung, written towards the end of his presidency, states that his legacy was “tainted” by corruption, particularly by the imprisonment of his two sons. Kim himself was regarded as a man who “owed many things to many people” and this had weakened his presidency as time went on (Gunness, Christopher 2002, ‘Kim Dae-jung’s tainted legacy’, *BBC News*, 19 December, <http://news.bbc.co.uk/2/hi/asia-pacific/2590389.stm> – Accessed 9 June 2006 – Attachment 26).

List of Sources Consulted

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Search Engines

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FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. 'South Korea: Political structure' 2006, *Economist Intelligence Unit*, 9 May. (FACTIVA)
2. Department of Foreign Affairs and Trade 2006, 'Republic of Korea Country Brief – May 2006', May. (http://www.dfat.gov.au/geo/rok/brief_index.html – Accessed 5 June 2006)
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24. 'Playing the North Korea Card by Kim Dae-joong' 2006, *Chosun Ilbo*, 24 May (FACTIVA).
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